

An Answer to the Pretended Case, Printed concerning the Navigation of the *River Wye* in the County of *Surrey*, by shewing the true State thereof.

SIR *Richard Weston* many years designed to make the said River Navigable, and cut part of the same through his own Mannor of *Swinton* as hath been proved before a Committee of this Parliament; where, above 40 Members were present, as by their Resolves hereunder mentioned doth appear: but he being Sequestred for his fidelity to the late King, agreed in 1651, with one Mr. *Pitson* a Captain in the Ussers Army, to solicit the discharge of his Sequestration, and the passing an Act of that pretended Parliament, to Authorize the making the said River Navigable, and to cover Sir *Richards* name, agreed to make use of the name of the Corporation of *Guildford*, *Pitson*, *Scotchier*. *Pitson* having solicited and obtained the pretended Act, agreements were made that Sir *Richard Weston* should finish his own design to cut the River: *Pitson* and the rest being wholly ignorant in things of that Nature, and that he alone should undertake the work, and give security by his Estate to do it within a year, unto such as would adventure any moneys for a share in the benefits of the Navigation.

The profits were agreed to be divided into 24 shares, 12 thereof to be to Sir *Richard*, and 12 to such as would adventure 250 *l.* for a share to raise 3000 *l.* which was done principally by *Scotchier* and one *Darnelly*.

Sir *Richard Weston* cut above two parts in three of the said River, buyed 2000 *l.* worth of his own Timber, and expended 4000 *l.* in money, and dyed within the year, having agreed that 1000 *l.* more should be raised by Adventurers for 4 shares more, but he never sold his Moyety to *Pitson* or any others, as is untruly alledged in the said Case.

After Sir *Richard's* death *Scotchier* and one of Sir *Richards* younger sons finished the said cut.

The Heir of Sir *Richard*, Mr. *John Weston* being never concerned in any of the Contracts nor Receipts of Money, and unable to appear, his Estate being sold by the Ussers, and very often a Prisoner for his Loyalty.

That in Anno 1654, being after the River was totally finished, Accounts being stated, it did appear that *Pitson* had received in his soliciting and transacting amongst adventurers in the said work above 2000 *l.* more then he had disbursed towards it, which appears by exhibits proved in the Exchequer.

But the said whole undertaking was without pretence of Authority, the said pretended Act, providing that it shall not be lawful to cut or dig the Lands of any person or persons until agreement made with them respectively, which was never done, in the year 1660. some that had adventured for shares of the hoped for profits of the said River finding themselves to have no Intrest in Law or Equity, without agreement with the Land Proprietors, endeavoured to bring them all to agree that the River might be maintained, and most of them joyned to vest their interest legally in Mr. *Dickenson*, who as Trustee have managed their cause, and its proved in the Exchequer, that all those joyned with the Land-owners have expended about their interrests in the said River above twenty thousand pounds were in quiet possession of the Navigation in Anno 1666.

But Mr. *Sandys* that was never concerned in the River, having contracted with *Pitson* for the shares of profits intended for the Adventurers, with promises to get an Act of Parliament, and one *Radcliffe* having got a Patent from his Majesty to be conservator of the said River: thence many differences arose, and they procured an Order from the King to suspend the Land-owners receipt of any profits until the Lord Chief Barron should settle an Issue to be tryed in Michaelmas Term 1666, to determine the interrests of the several pretenders.

Mr. *Dickenson*, Sir *Robert Atkins* as Counsel for the Land-owners, and those joyned with them, attended the Lord Chief Barron many times to settle the said issue, which could not be done: But his Lordship was afterwards pleased to declare some opinion, that it was fit to be brought into the Exchequer Chamber by information by the Kings Attorney General against all the pretenders, which was done accordingly.

Some of the Land-owners and those joyned with them, answered to the said Information, and most of the Defendants never answered, nor never were subpoenaed; those that answered set forth their interrests both in Law and Equity, and have attended his Lordship above these three years, at above 1000 *l.* expence, and the allegations and proofs offered by Mr. *Sandys* under Mr. *Pitson* and Mr. *Radcliffe* were heard, but a great part of the proofs and exhibits on the behalf of the Land-owners that answered have not been heard, and his Lordship declared that he could make no decree herein, neither indeed did the cause come before him as between party and party, as Plaintiffs and Defendants.

The Land proprietor with Mr. *Weston*, eldest son of the said Sir *Richard*, humbly offer that the Navigation may be preserved for the publick good, by selling the said River, upon some Gentlemen of the said County, as Trustees to dispose the first profits of the same to maintayn th: same Navigable, and the residue to the respective persons, who have any right or intrest thereunto, either in Law or Equity.

And if the wisdom of Parliament shall think fit, that a competent number of the Gentlemen of the said County who have the advantage of all others by being on the place, may be empowered to give any competent satisfaction to any that have adventured moneys about the said River, and are not relievable in any of the ordinary Courts of Law or Equity, tis humbly submitted.

Jovis 24. Aprilis 14. Car. 2d.

Resolved that Sir *Richard Weston* was the designer and promoter of cutting the River *Wye*, to make it Navigable. That the Committee is satisfied, That Mr. *Westons* Estate was left him incumbered, by reason of his Fathers undertakings of making *Wye* River Navigable.

Resolved that the Committee are of opinion, by what doth yet appear; That Mr. *Weston* has a more Right to a Bill to have the Navigation in the River *Wye*, then Mr. *Radcliffe*.

These are the Votes which I was to report to the house, truly Copied. Richard Onslow.

Note also, that Mr. Sandys and Mr. Pitson upon full hearing, have had two Bills already dismist, concerning their pretensions to this River, one thereof in the House of Lords, and the other in the House of Commons, And that Mr. Radcliffe, under whom Mr. Cressle's claims hath had the like misfortune in both Houses, where they preferred two Bills also besides 5 or 6 Tryals at Common Law, commenced by the Land proprietors concerning the same and still worsted in all.